

REMARKS

Early and favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1, 3-5, 7, 9-12, 14-34, 36-48, 51-52, and 54-64 are pending in the present application; claim 3 has been cancelled herein. Accordingly, the objection under 37 C.F.R. 1.75(c) of claim 3 as being of improper dependent form for failing to further limit the subject matter of a previous claim becomes moot and should be withdrawn.

Claims 1, 3-5, 7, 9, 14-21, 23-31, 36-52, 54, 55 and 60-64 were rejected under 35 U.S.C. §102(e)/103(a) as being unpatentable over U.S. Patent No. 6,925,051 to Wisnudel et al. (hereinafter "Wisnudel '051") in view of U.S. Publication No. 2003/0050191 to Bhatt et al. (hereinafter "Bhatt '191"). It is respectfully submitted that this reference qualifies as art under 35 USC §102(e) and is owned by a common Assignee of record, namely, General Electric Company, and is therefore not properly citable as prior art against the present application.

More particularly and as per MPEP § 706.02(I), the present application was filed after November 29, 1999 and on information and belief the claims of the present application and the cited patent relate to subject matter which were at the time the invention was made, owned by the same corporation and under an obligation of assignment to the same corporation, namely, General Electric Company. In accordance

with MPEP §706.02(I), the above statement is sufficient evidence to show common ownership at the time the invention was made:

Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. MPEP §702(I).

In view of the foregoing, it is respectfully submitted that the Wisnudel '571 reference in view of Bhatt '191 is disqualified as prior art against claims 1, 3-5, 7, 9, 14-21, 23-31, 36-52, 54, 55 and 60-64 of the present invention and the withdrawal of this rejection has been overcome and/or rendered moot.

Claims 1, 3-5, 7, 13-21, 23-31, 36-52, 54, 55 and 60-64 were rejected under 35 U.S.C. §102(e)/103(a) as unpatentable over Wisnudel '571 in view of U.S. Patent No. 4,422,671 to Cespon (hereinafter "Cespon"). It is respectfully submitted, for the same reasons above, that this reference qualifies as art under 35 USC §102(e) and is owned by a common Assignee of record, namely, General Electric Company, and is therefore not properly citable as prior art against the present application.

More particularly and as per MPEP § 706.02(I), the present application was filed after November 29, 1999 and on information and belief the claims of the present application and the cited patent relate to subject matter which were at the time the

invention was made, owned by the same corporation and under an obligation of assignment to the same corporation, namely, General Electric Company. In accordance with MPEP §706.02(I), the above statement is sufficient evidence to show common ownership at the time the invention was made:

Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. MPEP §702(I).

In view of the foregoing, it is respectfully submitted that the Wisnudel '571 reference in view of Cespon is disqualified as prior art against claims 1, 3-5, 7, 13-21, 23-31, 36-52, 54, 55 and 60-64 of the present invention and the withdrawal of this rejection has been overcome and/or rendered moot.

Claims 1, 3-5, 7 and 13-22 were rejected under 35 U.S.C. §102(e)/103(a) as being unpatentable over U.S. Publication No. 2004/0137188 to Lindholm et al. (hereinafter "Lindholm") in view of Bhatt '191. It is respectfully submitted, for the same reasons above, that this reference qualifies as art under 35 USC §102(e) and is owned by a common Assignee of record, namely, General Electric Company, and is therefore not properly citable as prior art against the present application.

More particularly and as per MPEP § 706.02(I), the present application was filed

after November 29, 1999 and on information and belief the claims of the present application and the cited publication relate to subject matter which were at the time the invention was made, owned by the same corporation and under an obligation of assignment to the same corporation, namely, General Electric Company. In accordance with MPEP §706.02(I), the above statement is sufficient evidence to show common ownership at the time the invention was made:

Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. MPEP §702(I).

In view of the foregoing, it is respectfully submitted that the Lindholm reference in view of Bhatt '191 is disqualified as prior art against claims 1, 3-5, 7 and 13-22 of the present invention and the withdrawal of this rejection has been overcome and/or rendered moot.

Claims 1, 3-5, 7, 9-12, 14-21 and 23-47 were rejected under 35 U.S.C. §102(e)/103(a) as being unpatentable over U.S. Publication No. 2004/0014859 to Ezbiensky et al. (hereinafter "Ezbiensky '859") in view of Bhatt '191. It is respectfully submitted, for the same reasons above, that this reference qualifies as art under 35 USC §102(e) and is owned by a common Assignee of record, namely, General Electric Company, and is therefore not properly citable as prior art against the present application.

More particularly and as per MPEP § 706.02(I), the present application was filed after November 29, 1999 and on information and belief the claims of the present application and the cited publication relate to subject matter which were at the time the invention was made, owned by the same corporation and under an obligation of assignment to the same corporation, namely, General Electric Company. In accordance with MPEP § 706.02(I), the above statement is sufficient evidence to show common ownership at the time the invention was made:

Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. MPEP §702(I).

In view of the foregoing, it is respectfully submitted that the Ezbiasky '859 reference in view of Bhatt '191 is disqualified as prior art against claims 1, 3-5, 7, 9-12, 14-21 and 23-47 of the present invention and the withdrawal of this rejection has been overcome and/or rendered moot.

Claims 48-52 and 54-64 were rejected under 35 U.S.C. §102(e)/103(a) as being unpatentable over Wisnudel '051 or over U.S. Publication No. 2004/0152013 to Olsen et al. (hereinafter "Olson '013"), in view of WIPO Patent No. WO 02/096664 to Bhatt et al. (hereinafter "Bhatt '664"). It is respectfully submitted, for the same reasons above, that

these references qualify as art under 35 USC §102(e) and are owned by a common Assignee of record, namely, General Electric Company, and are therefore not properly citable as prior art against the present application.

More particularly and as per MPEP § 706.02(I), the present application was filed after November 29, 1999 and on information and belief the claims of the present application and the cited patent or publication relate to subject matter which were at the time the invention was made, owned by the same corporation and under an obligation of assignment to the same corporation, namely, General Electric Company. In accordance with MPEP §706.02(I), the above statement is sufficient evidence to show common ownership at the time the invention was made:

Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. MPEP §702(I).

In view of the foregoing, it is respectfully submitted that the Wisnudel '051 reference or the Olsen '013 reference, in view of Bhatt '664 are disqualified as prior art against claims 48-52 and 54-64 of the present invention and the withdrawal of this rejection has been overcome and/or rendered moot.

Claims 48-52 and 54-64 were rejected under 35 U.S.C. §102(e)/103(a) as being

unpatentable over Wisnudel '051 or Olsen '013 in view of Cespon. It is respectfully submitted, for the same reasons above, that these references qualify as art under 35 USC §102(e) and is owned by a common Assignee of record, namely, General Electric Company, and are therefore not properly citable as prior art against the present application.

More particularly and as per MPEP § 706.02(I), the present application was filed after November 29, 1999 and on information and belief the claims of the present application and the cited patent or publication relate to subject matter which were at the time the invention was made, owned by the same corporation and under an obligation of assignment to the same corporation, namely, General Electric Company. In accordance with MPEP § 706.02(I), the above statement is sufficient evidence to show common ownership at the time the invention was made:

Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. MPEP § 702(I).

In view of the foregoing, it is respectfully submitted that the Wisnudel '051 reference or the Olsen '013 reference, in view of Cespon are disqualified as prior art against claims 48-52 and 54-64 of the present invention and the withdrawal of this rejection has been overcome and/or rendered moot.

Claims 1, 3-5, 7, 9-21, 23-34 and 36-47 were rejected under 35 U.S.C. §102(e)/103(a) as being unpatentable over U.S. Publication No. 2003/0198892 to Ezbiensky et al. (hereinafter "Ezbiensky '892"), Ezbiensky '859 or to U.S. Publication No. 2003/0207206 to Olsen et al. (hereinafter "Olsen '206"), in view of Bhatt '664 (paragraph 11) or in view of Cespon (paragraph 12). It is respectfully submitted, for the same reasons above, that these references qualify as art under 35 USC §102(e) and are owned by a common Assignee of record, namely, General Electric Company, and are therefore not properly citable as prior art against the present application.

More particularly and as per MPEP § 706.02(I), the present application was filed after November 29, 1999 and on information and belief the claims of the present application and the cited publications relate to subject matter which were at the time the invention was made, owned by the same corporation and under an obligation of assignment to the same corporation, namely, General Electric Company. In accordance with MPEP § 706.02(I), the above statement is sufficient evidence to show common ownership at the time the invention was made:

Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. MPEP § 702(I).

In view of the foregoing, it is respectfully submitted that the Ezbiansky '892 reference, the Ezbiansky '859 reference or the Olsen '206 reference, in view of Bhatt '664 or in view of Cespon are disqualified as prior art against claims 1, 3-5, 7, 9-21, 23-34 and 36-47 of the present invention and the withdrawal of this rejection has been overcome and/or rendered moot.

Claims 1, 3-5, 7, 9-34, and 36-47 were rejected under 35 U.S.C. §102(e)/103(a) as being unpatentable over Ezbiansky '892, Ezbiansky '859 or Olsen '206, in view of Bhatt '664, further in view of Lindholm. It is respectfully submitted, for the same reasons above, that these references qualify as art under 35 USC §102(e) and are owned by a common Assignee of record, namely, General Electric Company, and are therefore not properly citable as prior art against the present application.

More particularly and as per MPEP § 706.02(I), the present application was filed after November 29, 1999 and on information and belief the claims of the present application and the cited publications relate to subject matter which were at the time the invention was made, owned by the same corporation and under an obligation of assignment to the same corporation, namely, General Electric Company. In accordance with MPEP §706.02(I), the above statement is sufficient evidence to show common ownership at the time the invention was made:

Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the

applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. MPEP §702(I).

In view of the foregoing, it is respectfully submitted that the Ezbiansky '892 reference, the Ezbiansky '859 reference or the Olsen '206 reference, in view of Bhatt '664, further in view of Lindholm are disqualified as prior art against claims 1, 3-5, 7, 9-34, and 36-47 of the present invention and the withdrawal of this rejection has been overcome and/or rendered moot.

Claims 1, 3-5, 7, 9-22, 48-52 and 54-63 were rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-16 of Wisnudel '051, in view of Bhatt '664.

In response to the rejection of claims 1, 3-5, 7, 9-22, 48-52 and 54-63 under the nonstatutory ground of obviousness-type double patenting, Applicants submit herewith a Terminal Disclaimer to obviate the double patenting rejection over the cited art of reference. Accordingly, in view of the submission of the Terminal Disclaimer, Applicants respectfully submit that the rejection of claims 1, 3-5, 7, 9-22, 48-52 and 54-63 under the nonstatutory ground of obviousness-type double patenting over Wisnudel '051 in view of Bhatt '664, has been overcome.

Claims 1, 3-5, 7, 9-22, 48-52 and 54-63 were rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-29 of U.S. Patent No. 7,026,029 to Lindholm (formerly Publication No. 2004/0137188).

In response to the rejection of claims 1, 3-5, 7, 9-22, 48-52 and 54-63 under the nonstatutory ground of obviousness-type double patenting, Applicants submit herewith a Terminal Disclaimer to obviate the double patenting rejection over the cited art of reference. Accordingly, in view of the submission of the Terminal Disclaimer, Applicants respectfully submit that the rejection of claims 1, 3-5, 7, 9-22, 48-52 and 54-63 under the nonstatutory ground of obviousness-type double patenting over Lindholm, has been overcome.

Claims 1, 3-5, 7, 9-22, 48-52 and 54-63 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1,2 and 4-32 of copending Olsen '013 reference, in view of Bhatt '664. In the event that it becomes necessary, the Applicants will submit a Terminal Disclaimer as appropriate to address these rejections.

It is believed that the claims of the application, i.e., claims 1, 4-5, 7, 9-22, 48-52 and 54-63, are patentably distinct over the art of record and are in condition for allowance. In the event that the examiner believes that a telephone conference or a personal interview may facilitate resolution of any remaining matters, the undersigned may be contacted at the number indicated

below. In view of the foregoing amendment and remarks, early and favorable action on this application is earnestly solicited.

Respectfully submitted,



Raymond E. Farrell
Registration No. 34,816
Attorney for Applicants

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road, Suite 225
Melville, New York 11747
Tel.: (631) 501-5700
Fax: (631) 501-3526
REF/PMC